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SUMMARY RECORD OF THE 1329th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 July 1994, at 10 a.m.

Chairman: Mr. ANDO

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GE.94-17585 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Italy (CCPR/C/64/Add.8)

1. At the invitation of the Chairman, Mr. Torella di Romagnano, Mr. Citarella, Mrs. Palumbo, Mrs. Passannanti and Mrs. Carla (Italy) took places at the Committee table.

2. The CHAIRMAN welcomed the delegation of Italy, and expressed appreciation of the valuable contribution made to the Committee's work by Mr. Pocar. The Italian delegation would no doubt have a good deal of new information to give the Committee.

3. Mr. TORELLA di ROMAGNANO (Italy) thanked the Committee for giving his delegation the opportunity to meet it and to discuss Italy's third periodic report (CCPR/C/64/Add.8).

4. Profound changes had taken place in the political structure of the country since the elections held in March 1994. The new Government had declared its intention of taking important initiatives not only in the political and economic fields but also in many sectors of the juridical and social structure, and in particular had given clear signs that it intended to strengthen respect for human rights both internationally and at the domestic level.

5. Measures for the prevention, elimination and punishment of all forms of racist activities had been further strengthened by a new Act dated 26 April 1993. That Act made incitement to, or commission of, acts of discrimination, hatred and violence, for racial, ethnic, national or religious purposes or dissemination of material encouraging such acts, criminal offences. Act No. 296 of 12 August 1993 was designed to reduce the number of detainees awaiting trial by permitting more extensive recourse to the procedure of house arrest. It also provided for the repatriation of aliens who had committed minor offences, or who had been given sentences of imprisonment of less than three years.

6. There had been a number of significant developments in regard to implementation of the right to freedom of religion under article 18 of the Covenant. The Constitutional Court had further developed the existing provisions of the Constitution on the matter, and those provisions had also been given practical effect. In 1993, the Government had signed an agreement with the Baptist and Lutheran Churches guaranteeing religious pluralism. In the recent elections, the Government had extended the polling date by one day to enable the Italian Jewish community, which would have been observing the Jewish Easter on the first day, to exercise the right to vote.

7. The Constitutional Court had been called upon to pass judgement in an increasing number of human rights cases, and had made significant advances in enforcing international standards. Thus, certain regulations that were not fully in line with the principle of equal treatment for men and women, or with

the principle that treatment of detainees should be humane and should respect the inherent dignity of the human person, had been repealed. In general, the two years which had elapsed since the drafting of the third periodic report had been marked by a significant advance in implementation of the provisions of the Covenant.

8. He hoped that, in the light of Italy's long-standing tradition of cooperation with the Committee, discussion of the third periodic report would be of mutual benefit and a source of inspiration on how human rights should be implemented.

9. The CHAIRMAN invited the Italian delegation to respond to the questions in section I of the list of issues, which read:

"I. Constitutional and legal framework within which the Covenant is implemented; non-discrimination; equality of the sexes and protection of family and children; right to participate in the conduct of public affairs; rights of persons belonging to minorities (arts. 2, 3, 4, 23, 24, 25, 26 and 27)

(a) Have there been any cases during the period under review where the provisions of the Covenant were directly invoked before the courts or referred to in court decisions? If so, please provide details.

(b) Please describe any factors and difficulties affecting the implementation of the Covenant. In particular, please elaborate on the impact of the recent migration phenomenon, referred to in paragraphs 95 and 96 of the report, which has resulted in the presence of more than 100 different ethnic groups in Italy, on the implementation of the provisions of the Covenant.

(c) Please clarify whether the draft bill of May 1991 relating to the establishment of a citizens' advocate at the national level has been adopted. If so, please provide information on its functions and activities to date, and in view of the problem referred to in paragraph 10 of the report, clarify how the activities of the national, regional and local citizens' advocates are coordinated.

(d) Please provide data concerning the number and proportions of women in Parliament and in other high public offices, the public service, the liberal professions and private business. Has the adoption of Act No. 125 of 10 April 1991 ('positive actions to achieve man/woman parity in the workplace') led to any measurable progress to date? If so, please provide appropriate details.

(e) Please provide information on the functions and activities of the Commission for the Parity and Equality of Opportunities of Men and Women.

(f) Please comment on the measures taken to prevent the illegal employment of minors and elaborate on the light non-industrial work which minors under the age of 15 are authorized to perform (see paras. 184-185 of the report).

(g) Please elaborate on practical measures taken to ensure the effective enjoyment by persons belonging to the minorities specified in paragraph 199 of the report of their rights under article 27 of the Covenant. What legislative and other measures ensure that members of all minorities enjoy full and effective protection of their rights under the Covenant?

(h) What steps have been taken to disseminate information on the rights recognized in the Covenant and the First Optional Protocol? How far has the public been informed of the Human Rights Committee's consideration of the report?

(i) What effect on the enjoyment of rights under article 25 of the Covenant has followed from the change of electoral laws in 1991?"

10. Mr. TORELLA di ROMAGNANO (Italy), in reply to question (a), said that during the period 1987-1993, courts at different levels, and notably the Court of Cassation, had applied the provisions of the Covenant in a number of cases. Nine of the judgements concerned had been published in legal reviews, and of those, six had referred specifically to article 14 of the Covenant.

11. In response to question (b), it did not appear that implementation of the Covenant had had any negative impact with regard to immigration in Italy. In any event, most of the Covenant's provisions were already embodied in the Constitution and in national legislation. Italy was bound by the European Convention on Human Rights, and recognized the competence of the Council of the European Commission of Human Rights, as well as the jurisdiction of the European Court of Human Rights.

12. In reply to question (c), a number of draft bills for the establishment of a national ombudsman had been submitted to parliament over the years. Now that a new Government had come to power following the elections, a new draft bill on the subject would have to be introduced. However, offices of citizens' advocates had already been set up at the regional level. The rights of citizens in the field of commercial and industrial trusts, as well as in the field of publications and the mass media, were already protected by special citizens' advocates at the national level.

13. Regarding question (d), 94 women had been elected to the lower House of Parliament, and 29 to the Senate; the percentage of women representatives in both Houses of Parliament had thus risen from 8.6 per cent to 12.9 per cent. In the liberal professions and in private business, there had been a steady increase in the participation of women, from 13 per cent in 1980 to 18 per cent in 1990. Similarly, the percentage of women managers and women employees in the workforce had increased from 40 per cent in 1980 to 44 per cent in 1990. Act No. 215/92 was designed to achieve equal opportunities for women in the economic and commercial sphere by stimulating

the development of enterprises headed by women and by promoting credit facilities for them. Act No. 546/76 had introduced special maternity provisions for women in agriculture and commerce, while Act No. 979/90 had guaranteed the same provision for women in the professions. Act No. 142/90, which ensured coordination between working hours and the hours kept by essential public services, such as schools, would also be of benefit to women.

14. A number of positive action programmes had been introduced under Act No. 125/1991 with a view to ensuring greater and more high-level participation by women in the workplace. Without those programmes, many women would have been unable to attain the important positions which they now occupied. A total of 189 programmes, costing in all 26,790 million lire, had been launched between 1991 and 1993. Specific projects introduced under those programmes had been designed to qualify, or re-qualify, female staff, with a view to facilitating their career advancement. Certain projects were specifically geared to women managers.

15. Women had been admitted to the judiciary since 1965, and their numbers had been increasing steadily over the years. While in February 1988 1,271 out of 7,353 judges had been women, that figure had risen to 1,916 out of 8,509 by February 1992, and to 2,186 out of the same total by April 1994. Since 1988, women had also been able to hold positions in the judicial hierarchy of the military courts. One positive action taken under Act No. 125 of 10 April 1991 had been the setting up by the Supreme Council of the Judiciary of a special equal opportunities committee.

16. On question (e), he said that the Commission for the Parity and Equality of Opportunities of Men and Women, set up by decree of the President of the Council of Ministers on 12 June 1984, was composed of 29 members, representing women's presence in such essential areas as politics, culture and economics. The Commission's function was to study and draft amendments which were necessary to adapt the legislation to the principle of equality between the sexes. It advised and assisted the President of the Council of Ministers in coordinating the central and local administrations which had the task of setting up and apply programmes of the same scope.

17. Referring to question (f), he informed the Committee that the Ministry for Labour had set up some time previously a special structure - the Labour Inspectorate - to investigate any form of violation of labour legislation. A branch of that office operated at the local level and was competent to inspect factories, commercial centres, etc., question persons and impose fines. It should be noted that in 1992 the Inspectorate had found a total of 4,417 violations of rules concerning minors.

18. With respect to question (g), as mentioned in his Government's previous report, minorities enjoyed all the rights granted by the Constitutional Charter, legislation and international instruments. A new global law on minorities had been proposed in the new legislature and sought to guarantee the full equality of treatment of all members of different minority groups.

19. Referring to question (h), he said that the Covenant and the First Optional Protocol had been translated into Italian and distributed widely in Italy at the initiative of the United Nations Information Centre in Rome and

the Italian Centre for the United Nations. The text of the Covenant was also included in a considerable number of textbooks on international law and international organizations. In addition, it had been published by some specialized reviews on human rights. Some public and private organizations concerned with human rights, as well as the press and television, had been informed of the Committee's consideration of the report by the Italian Government.

20. With respect to question (i), he reaffirmed that the change in the Italian electoral system had not had any direct or indirect impact on the enjoyment of rights under article 25 of the Covenant. The basic principle that all citizens who had reached electoral age had the right to participate in elections and to be elected remained unchanged. The elections were held, as previously, by secret ballot in order to guarantee the free expression of the will of the electors.

21. The CHAIRMAN invited members of the Committee to put additional questions under section I of the list of issues.

22. Mrs. CHANET, welcomed the delegation of Italy, adding that its members had every reason to feel proud of the contribution made by their compatriot, Mr. Pocar, to the Committee's work, including its procedures. She noted that the third periodic report of Italy was dated 23 October 1992, and was consequently appreciative of the supplementary information provided orally.

23. Beginning with the subject of Italy's institutions, she inquired about the constitutional and legal provisions on the subject of political parties, concerning which she had found little in the report or in the relevant texts. Article 49 of the Constitution established the right of all citizens "to freely form parties in order to contribute by democratic means to national policy", a guarantee that should be read in association with article XII of the Transitory Provisions, which forbade the reorganization of the former Fascist Party, under any form whatsoever; she asked how it had been possible for parties with undeniably fascist leanings to re-enter the political arena and even to see their representatives elected.

24. Concerning the place of the Covenant in Italy's legal framework, she had refreshed her memory of the discussions on the earlier reports, and understood that, while the Covenant did not enjoy equal status with the Constitution, it had primacy over ordinary domestic law. Italy's Constitution predated the Covenant, and hence did not incorporate its provisions; in the course of the Committee's consideration of the second periodic report, the delegation had stated that for Italy, as for most other States parties, certain of those provisions were deemed directly applicable, while others were considered as establishing principles whose implementation required the adoption of new laws. In other words, the rights guaranteed by the Covenant were not fully incorporated in the existing legal order. She asked whether the situation as she remembered it had changed.

25. On the issue of the citizens' advocate, she suggested that there might have been some regression, or at least stagnation, during the period covered by the latest report, notably in respect of that institution as it existed at

the national level. Paragraphs 9 and 10 of the report alluded to numerous difficulties in that regard, concerning which she would welcome further details.

26. Lastly, she inquired whether the Italian Government envisaged the withdrawal of any of the numerous reservations lodged at the time of ratification of the Covenant, notably in respect of radio and television.

27. Mrs. EVATT welcomed the Italian delegation and echoed the previous speaker's commendation of Mr. Pocar's work in the Committee. There could be no doubt that Italy was strongly committed to the principles of human rights.

28. Article 6 of the Italian Constitution provided for the safeguarding of linguistic minorities by "special" provisions, whereas article 27 of the Covenant, taken together with article 26, called for the protection of minorities of all kinds on the basis of absolute equality. Perhaps that apparent discrepancy could be explained and further information provided concerning the latest Italian legislation on minorities? She also inquired about the anticipated impact of new or existing laws on the increasing incidence of racist hatred and violence against immigrant communities and gypsies, and on the reported recrudescence of anti-Semitic activities.

29. New laws on citizenship appeared to extend to 10 years the period of residence required before naturalization proceedings were instituted. That suggested that the process of integration would be delayed, rather than speeded up. She asked whether non-citizens could take part in the political process in Italy, including elections.

30. The report spoke of inter-cultural education for tolerance and understanding in schools. Such measures were commendable, but she would suggest that they should be extended more widely into the community, as well as to all persons involved in law enforcement and judicial activities. Was such an extension envisaged?

31. The Italian Government was undoubtedly committed to the cause of women's equality, and progress had demonstrably been made in that direction. She presumed that the Commission for the Parity and Equality of Opportunities of Men and Women was merely an advisory body, and asked how the actual implementation of programmes for women's equality was ensured and monitored, whether specific programmes existed to address and penalize domestic violence, rape and sexual harassment in the workplace, and whether shelters were provided for women victims of violence. Were law enforcement officers and members of the judiciary specially trained to deal with such issues?

32. It had been stated that new changes in the law made it easier for women to participate in the electoral process; she asked for details in that connection.

33. Mr. HERNDL echoed the remarks addressed to the Italian delegation and to Mr. Pocar, and said that if the excellent report before the Committee was a little out-of-date, that could in no way be imputed to its authors.

34. Like Mrs. Chanet, he had consulted the records of the discussion on the second periodic report, and was in no doubt as to Italy's adhesion to the principle of pacta sunt servanda, or as to the fact that domestic legislation was generally in conformity with international law. In 1988, it had been explained to the Committee that there was basically a presumption in favour of treaty obligations, as clarified in a number of judgments by the Italian Court of Cassation. In support of the position that a law passed subsequently to the law enacting the Covenant and in contradiction with a specific provision of the latter would not necessarily be applicable, it had been stated that according to the Court of Cassation, the supremacy of a subsequent law in conflict with the Covenant could not be recognized unless the legislative provisions stipulated a clear and obvious intention on the part of the legislator to abrogate the international rule. But that seemed to indicate that the domestic legislator was, in fact, in a position to abrogate the international rule and thereby overturn the presumption of its supremacy. He asked the Italian delegation to comment on that somewhat ambiguous state of affairs.

35. On the subject of the citizens' advocate, he noted the statement in paragraph 10 of the report that the establishment of that post at the national level was likely to pose serious problems of coordination; he submitted that the multiplication of such posts at the regional or local levels could lead to inequalities of treatment. It was essential to ensure that the procedures were applied in uniform fashion, whether from the centre or at the periphery.

36. He had been especially impressed by the report's description (paras. 194 ff.) of the treatment of three types of recognized linguistic minorities. He considered that the imaginative approach adopted by the Italian State in coupling protection with a system of autonomy established at the constitutional level might usefully be emulated by others, particularly in respect of settled minorities which had common ties and shared the same language with a neighbouring country. It might be useful in future reports to elaborate briefly on the notion of autonomy in the context referred to. It was his understanding that a new global law on minorities was in the making, and he would welcome further explanations in that connection.

37. Mr. AGUILAR URBINA, after commending the Italian delegation on the report and remarking on Mr. Pocar's qualities of leadership in the Committee, said that most of the questions he had intended to raise had already been put by other members.

38. Like Mr. Herndl, he was concerned that the multiplication of citizens' advocates at the regional and local levels could lead to inequalities in the provision of services. He asked how conflicts of jurisdiction were or would be handled.

39. He inquired whether the recommendations of the Commission for the Parity and Equality of Opportunities of Men and Women were binding and whether penalties existed for non-compliance with such recommendations.

40. As elsewhere, discrimination and intolerance, including manifestations of anti-Semitism, seemed to be on the increase in Italy. He asked the delegation to comment further on those phenomena.

41. He echoed Mrs. Chanet's question concerning article XII of the Transitory Provisions and the fact that neo-fascist organizations and parties had re-surfaced in politics.

42. Information and education were bulwarks against intolerance. He asked about the dissemination of the Covenant and of the First Optional Protocol, and inquired more specifically whether teaching about the latter was established in Italy's faculties and departments of law, either in the general curriculum or as a specialized subject: a group of Costa Rican law professors, to which he belonged, was promoting the idea that education in that subject should be a prerequisite of any law degree or diploma.

43. He noted the reference in paragraph 194 of the report to "recognized" minorities, and asked what that adjective signified. Did that mean there were unrecognized minorities in Italy, and if so, what was their legal status?

44. Mr. PRADO VALLEJO expressed the conviction that the discussion on the third periodic report of Italy would prove as fruitful as that on its predecessors, welcomed the oral information provided by the delegation, and joined in the tributes to the distinguished contribution made by Italy, in the person of Mr. Pocar, to the Committee's work.

45. Among recent developments referred to in the report, he singled out for special commendation the institution of legal aid, at State cost, for the economically underprivileged.

46. He noted with Mr. Herndl that there seemed to be a loophole whereby Italian domestic law might derogate from international rules, and asked for his concern in that respect to be recorded.

47. He inquired whether consideration had been given to the lifting of Italy's reservation on article 12 of the Covenant, with respect to the liberty of movement and freedom of residence of members of the House of Savoy, who - for reasons that must surely now be described as belonging to history - were also the subject of reservations under the Constitution.

48. Paragraph 6 indicated that the main function of the citizens' advocate was to act as a mediator between citizens and the local administration. However, it did not specify whether he was competent to follow up alleged human rights violations by conducting investigations leading to legal proceedings against those responsible for such acts. Paragraph 9 referred to citizens' advocates with particular areas of specialization. Was it envisaged to have several citizens' advocates in the same town or region, and if so, how would they coordinate their work? Paragraph 17 made mention of a commission intended to review current legislation so as to ensure equality between the sexes. He asked whether such a commission had in fact been established, what studies had been undertaken and whether any recommendations had been issued. Referring to paragraph 23, he sought clarification regarding the term "substantive equality". In addition, he requested further details regarding the ban on night work for women, referred to in paragraph 26 of the report. In his country, women working at night enjoyed certain privileges. Was that also the case in Italy? He would welcome more information on the general situation of immigrants in Italy. Third world countries were particularly

concerned by the wave of xenophobia currently sweeping through Europe and he wondered what measures the Italian Government was taking to prevent it from spreading any further. Likewise he inquired whether events in nearby former Yugoslavia had had repercussions on the immigrant population or those seeking asylum. How was the State dealing with the influx of displaced persons from that territory? Lastly, he recalled that during the consideration of Italy's second periodic report it had emerged that although foreigners could join associations they were not allowed to promote them. He inquired whether such restrictions still existed and, if so, by virtue of which legislation.

49. Mr. BRUNI CELLI joined previous speakers in extending a cordial welcome to the high-level delegation sent by the Italian Government, which testified to the importance it attached to human rights matters and the work of the Committee. He was particularly pleased to note the number of women in the delegation, which pointed to the active role they played in Italy in public office and international relations. He also endorsed the remarks made concerning Mr. Pocar's invaluable contribution to the work of the Committee. In spite of the very comprehensive report submitted by the Italian delegation and the additional up-to-date information provided in its introductory statement, he shared the basic concerns expressed by other members of the Committee and would welcome clarifications regarding the situation of minorities, immigration laws and legislation relating to the political parties, particularly in the light of the recent elections. Furthermore, the report did not contain sufficient information on the status of the Covenant vis-à-vis Italian internal legislation. Referring to the reply given to question I (a), he inquired on what grounds the provisions of the Covenant could be directly invoked before the courts, given the absence of specific constitutional and legal provisions for that purpose. He would also welcome more information on the role of the citizens' advocate and wondered what follow-up would be given, if any, to cases referred by him to the President of the Council of Ministers. Moreover, could the provisions of the Covenant also be directly invoked before the citizens' advocate?

50. Mr. SADI, after echoing the general remarks addressed to Mr. Pocar and the Italian delegation, observed that women were amply represented on the Italian delegation - convincing proof of equality between the sexes in Italian society. The reports submitted by Italy aroused especial interest, not least because it was both a European and Mediterranean country; and other Mediterranean countries, such as his own native Jordan, sought to emulate Italy in its application of the provisions of the Covenant. The report did not deal with articles 4 and 5 of the Covenant on the grounds that there had never been occasion to invoke them in Italy (Introduction (para. (e)). However, in its historic struggle against the Mafia, the Italian Government had certainly faced emergency-type situations. While he hoped that Italy would never need to apply the provisions of those articles, in order to be prepared for such an eventuality, it would certainly be useful to state in advance which articles in the Covenant could be derogated from under such circumstances. He welcomed the fact that, as a member of the European Union, Italy had ratified the European Convention on Human Rights. He inquired what its status was vis-à-vis the Covenant and whether either of them was accorded priority. Referring to comments on the rise of fascism in Europe, he drew attention to article 20, paragraph 2, of the Covenant and asked how that provision could be reconciled with the tolerance of extreme right-wing

political parties in Italy. Although, under the relevant provisions of the Italian Constitution, there should be no discrimination whatsoever among Italian citizens, there was a recognized economic divide between those living in the north and south of the country. He inquired what measures the Government envisaged to bridge that gap. Referring to article 1 of the Constitution, he asked what was meant exactly by "Italy is a democratic Republic founded on labour." He observed that the only reference to minorities in the Constitution was that of "linguistic minorities" under article 6. The other types of minorities existing in Italy and mentioned in the report should also be taken into account in the Constitution. Lastly, with regard to the situation of religious minorities, he sought clarification regarding the second sentence of article 8 of the Constitution, which stated that "Religious denominations other than Catholic are entitled to organize themselves according to their own creed provided that they are not in conflict with Italian juridical organization".

51. Mr. EL SHAFEI associated himself with the remarks addressed to the Italian delegation and Mr. Pocar and looked forward to the latter's continued participation in the work of the Committee. Echoing Mr. Sadi's concerns regarding the status of the Covenant and the European Convention on Human Rights, he inquired whether any further efforts had been made to bring Italian legislation into line with the provisions of the Covenant and sought information on the progress made by Government committees set up for that purpose. He understood that the system of a citizen's advocate had been introduced in some regions only and asked what steps were being taken to ensure that the other regions could benefit from the same services. It emerged from the report and the introductory remarks made by the Italian delegation that there had been some difficulties in that connection and he asked whether any draft legislation along those lines had been submitted to the Italian Parliament. The report contained detailed information on the situation of immigrants. However, given the increasing influx of foreigners into the country, including Eastern Europeans and North Africans, he asked whether following many years of residence they were still classified as immigrants and as such subject to current immigration laws. It would be preferable for such persons to be given minority status with due respect for their religious beliefs and customs. That was one aspect of immigration that warranted due attention, particularly in view of the remarks in the report concerning the efforts to ensure the integration of foreigners into the host culture.

52. Mr. FRANCIS commended the Italian delegation on its interesting and detailed report, in particular the annex setting forth the conclusions of the National Bioethics Committee on the determination of death. Highlighting the progress made during the reporting period, he drew attention to the provision of legal aid, the introduction of citizens' advocates, efforts made to ensure sexual equality and the establishment of the Commission for the Parity and Equality of Opportunities of Men and Women, as well as the improved situation of minorities. The wealth of information provided reflected Italy's commitment to human rights and the fulfilment of its obligations under the Covenant. He had one query regarding religious minorities in connection with paragraph 144 of the report. As it stood, the second sentence of that

paragraph implied that Adventists and Jews must request their weekly rest day on Saturday. If that were the case, they were certainly not being treated as equals, and he sought clarification in that regard.

53. Mr. NDIAYE said he had the impression that Italy had an asymmetric system consisting of long-established minorities who spoke various languages and benefited from extremely broad protection. On the other hand, there were minorities with regard to whom the Constitution was rather laconic, if not silent. He therefore wondered whether the provisions of article 27 of the Covenant were respected in practice and would welcome information on that point from the delegation.

54. The problem of integration did not seem to exist in the same way as in many other countries. In that respect, he said that article 5 of the Constitution was somewhat explicit.

55. With regard to the provision of article 10 of the Constitution concerning the extradition of a foreigner for political offences and the footnote to that provision concerning crimes of genocide, he said that he failed to see the relationship between what were generally regarded as political offences and the crime of genocide.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

56. The CHAIRMAN invited the Italian delegation to reply to the questions put by members of the Committee.

57. Mr. TORELLA di ROMAGNANO (Italy) said that he wished to respond to the questions raised concerning the Italian Constitution and the problem of fascism. The activities of political parties were governed by the Italian Constitution. Any group of citizens was free to associate and form a political party. To be able to participate in general or local elections and to benefit from public financing, parties had to fulfil certain formalities, including the drafting of statutes, specifying their ideologies and describing their political activities.

58. With regard to the question of fascism, he said that in the past any small political group which had been guided by fascist ideology or was intolerant towards other ethnic, religious or political groups had been declared illegal and prosecuted by the judiciary. At the present time, there was no party or association in the Parliament that could be regarded as fascist.

59. Of course, people could have their own opinion and might yearn for a revival of the fascist era. However, the Prime Minister of Italy had recently declared that no more than 0.4 per cent of Italians were nostalgic for fascism. In any event, the present Government was firmly committed to democracy, a fact confirmed by the recent demonstration which had been held in connection with the anniversary of Italy's liberation from fascism and German occupation and in which all political parties had participated. Everyone rejected fascism as a totalitarian movement.

60. The Italian Social Movement (MSI) which had been in Parliament for the past 50 years and was sometimes considered to be nostalgic for fascism had behaved in a democratic manner. It had observed democratic rules and there had never been any attempt to return to the past. The newly established movement called the National Alliance did not coincide with MSI, even though many of its members came from that party. It must be noted that the members of those movements had all made clear statements of adherence to democratic rules.

61. Mr. CITARELLA (Italy) said that in recent years some political parties had been qualified as fascist and been outlawed by the Constitutional Court. All countries had different ways of dealing with the problem. In Italy, every article of the Covenant had become a provision of the Italian legal system. That meant that the articles of the Covenant could be applied by an Italian judge. Although there could be a problem of interpretation, in principle international law should prevail over internal law.

62. One problem could be the connection between the Covenant and the European Convention, which ran on parallel lines. Italy respected both the Covenant and the European Convention. All the principles found in the Covenant were contained in the European Convention. It should be noted that the European Convention contained a special procedure whereby a State could be declared responsible if it had not observed some article of the Convention.

The meeting rose at 12.50 p.m.